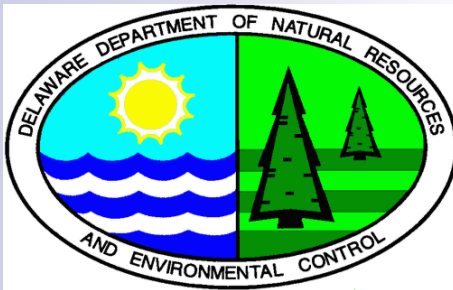




7 DE Admin Code 1138 **Section 10**

New Plating and Polishing Standard



**Public Hearing
August 25, 2009**



Blue Skies Delaware; Clean Air for Life

A New Breed of Federal Air Toxics Regulations

112(k) of the CAA



Reducing Potential Adverse Health Impacts from Small Facilities

- Under Section 112(k) of the CAA, Congress mandated EPA to reduce cancer attributed to small area sources by at least 75%
- Congress required EPA to
 - Identify 30+ **HAPs** that present the greatest threat to public health
 - Identify source categories that emit 90% of these 30+ **HAPs**
 - Issue regulations to achieve the 75% reduction in cancer



Reducing Potential Adverse Health Impacts from Small Facilities

- The 33 identified HAPs included compounds of
 - Cd ■ Cr ■ Pb ■ Mn ■ Ni

“Plating and Polishing Metal HAPs”

- **Plating and Polishing Operations** is one of the 70 source categories identified
- Federal **Plating and Polishing Operations** rule (40 CFR Part 63 Subpart WWWW) was finalized in July 2008





Plating & Polishing Metal HAPs

Their Public Health Concerns



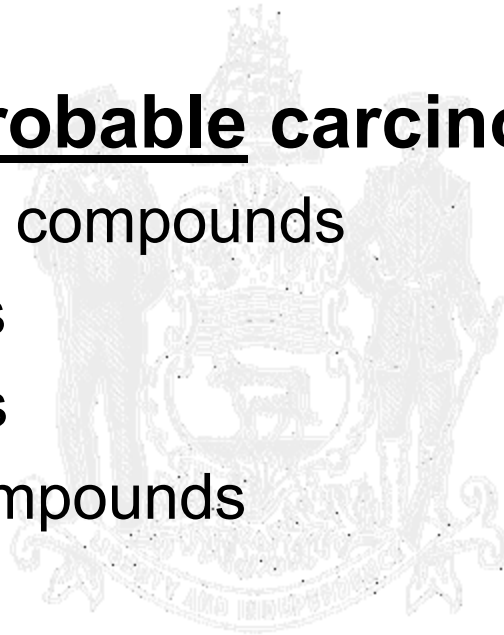
Carcinogenic Effects

EPA classified known carcinogen

- Cr+6 compounds

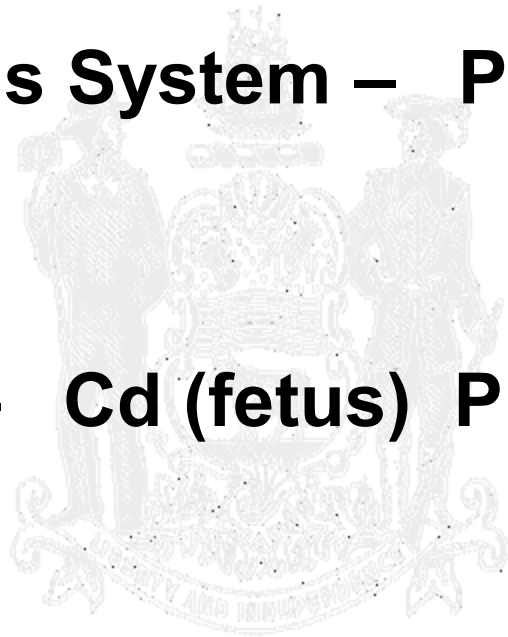
EPA classified probable carcinogen

- Cadmium and its compounds
- Cr+3 compounds
- Lead compounds
- Nickel and its compounds



Chronic Non-carcinogenic Effects

- Renal System – Cd
- Respiratory System – Cd Cr+3 Mn Ni
- Central Nervous System – Pb Mn
- Blood – Pb
- Skin – Ni
- Development – Cd (fetus) Pb (fetus & children)



Federal & DNREC

Regulatory Requirements for Plating and Polishing Operations



Federal Adoption of the Area Source Standard 40 CFR Part 63 Subpart WWWW

Proposed Rule 73 FR 14126, March 14, 2008

Final Rule 73 FR 37728, July 1, 2008

This Federal rule served as the starting point
in the development of Section 10 of Regulation 1138



DNREC's Proposed Section 10

- Draft Section 10 of Regulation 1138 presented in a public workshop conducted on June 9, 2009
- Proposed Section 10 appeared in the August 1, 2009 Delaware Register of Regulations



DNREC's Proposed Section 10

- **DNREC proposed rule is more stringent than federal**
 - Provides additional best operating practices
 - Requires the owner/operator using a control system
 - To develop and implement a SSM Plan
 - To conduct daily monitoring of control device
 - Requires recordkeeping to demonstrate proper operation and maintenance



Clarifications to Proposed Section 10

DNREC is recommending

- Removing “as practicable” from proposed Section 10 of Regulation 1138
- Clarify the process in determining what is “practicable” in complying with the management practices under 10.4.7.1 through 10.4.7.13
- Define the role of the Department and the facility owner or operator in the process



Clarifications to Proposed Section 10

- Addressing EPA broad use of “as practicable”

- 10.4.7.5 Minimize or reduce heating of tank baths, ~~as practicable~~ (e.g., when doing so would not interrupt production or adversely affect part quality).
- 10.4.7.6 Perform regular repair, maintenance, and preventive maintenance of racks, barrels, and other equipment associated with affected sources, ~~as practicable~~.



Clarifications to Proposed Section 10

10.4.7 Except for the owner or operator of a dry mechanical polishing operation, the owner or operator of an affected source subject to the provisions of 10.0 of this regulation shall implement the applicable management practices in 10.4.7.1 through 10.4.7.13 of this regulation. **The Department may approve alternatives to any of the requirements of 10.4.7.1 through 10.4.7.13 upon a demonstration by the owner or operator that compliance with such requirements of 10.4.7.1 through 10.4.7.13 is not practicable.**



Clarifications to Proposed Section 10

- DNREC informed the known plating and polishing facilities of the recommended changes on August 10 and informed them of the opportunity to comment on these changes in writing or at the August 25 public hearing
- DNREC updated the regulatory webpage in a manner that would clearly point out the changes to the proposed Section 10



Regulatory Requirements For Public Noticing and Participation Met



Section 10 Public Noticings

- Email communications with Interested Parties during development of draft and proposed language
- Public workshop and public hearing notices in
 - The Delaware State News and Sunday News Journal
 - Mailing to people on the Public Hearing Notice List
 - Delaware Register of Regulations
 - State Calendar of Public Meetings
 - Publication in Air & Waste NEWS (e-news update)
 - DNREC NEWS press release
 - AQM's Section 10 regulatory web page



Other information

- A listing of existing and possible future facilities that may become affected sources
- The Department's determination that the potentially affected sources do not qualify for additional consideration for less stringent requirements under the Regulatory Flexibility Act
- Examples of 4 compliance assistance tools the Department developed to assist Delaware facilities in complying with the notification and annual reporting requirements



www.awm.delaware.gov/Info/Regs/Pages/PandP.aspx



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